

**FILED**

**JUN 16 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARVIN WOODARD,

Defendant - Appellant.

No. 05-10574

D.C. No. CR-98-40082-22-DLJ

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Northern District of California  
D. Lowell Jensen, District Judge, Presiding

Submitted June 12, 2006<sup>\*\*</sup>

Before: FERNANDEZ, KLEINFELD, and BERZON, Circuit Judges.

Marvin Woodard appeals *pro se* from the district court's orders denying his various motions for return of his property seized as part of his conviction for conspiracy to distribute cocaine in violation of 21 U.S.C. § 846. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We hold that the district court properly denied Woodard's Federal Rule of Criminal Procedure 41(g) motion for the return of seized property. *See* Fed. R. Crim. P. 1(a)(5); *see also United States v. \$83,310.78*, 851 F.2d 1231, 1233 (9th Cir. 1988) (noting that a Rule 41(g) motion is unavailable to an appellant who is contesting the forfeiture of his or her property if there was an adequate legal remedy). As Woodard conceded that he received actual notice of the impending forfeiture of the disputed money, the forfeiture proceedings constituted an adequate legal remedy. *See United States v. Clagett*, 3 F.3d 1355, 1356 n.1 (9th Cir. 1993) (stating that a forfeiture proceeding constitutes an adequate legal remedy if it was properly noticed).

**AFFIRMED.**